

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

E. JEAN CARROLL,)
)
Plaintiff,)
)
-vs-) No. 20 Civ. 7311 (LAK)
)
DONALD J. TRUMP, in his)
personal capacity,)
)
Defendants.)

Videotaped deposition of ASHLEE HUMPHREYS,
Ph.D. taken before CAROL CONNOLLY, CSR, CRR, and Notary
Public, pursuant to the Federal Rules of Civil Procedure
for the United States District Courts pertaining to the
taking of depositions, at 1870 Campus Drive, Room 3-107,
Chicago, Illinois, commencing at 9:03 a.m. on the 11th
day of December, A.D., 2023.

1 There were present at the taking of this
2 deposition the following counsel:

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20 ALSO PRESENT:

21 Brandon Rackowski, Videographer
22 Peter Gabra, Habba Madaio & Associates
23
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I N D E X

VIDEOTAPED DEPOSITION OF ASHLEE HUMPHREYS, Ph.D.
TAKEN December 11, 2023

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Michael Madaio	5, 61
Shawn Crowley	55

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1 THE VIDEOGRAPHER: Good morning. We are going on
2 the record at 9:03 a.m. on Monday, December 11, 2023.
3 This is media unit 1 of the video-recorded deposition of
4 Dr. Ashlee Humphreys, Ph.D taken by counsel for defendant
5 in the matter of E. Jean Carroll versus Donald J. Trump
6 filed in the United States District Court, southern
7 district of New York, case number 22 Civ 10016 LAK. The
8 location of the deposition is McCormick Foundation Center
9 located at 1870 Campus Drive, Room 3-107, Evanston,
10 Illinois, 60208.

11 My name is Brandon Rackowski representing
12 Veritext Legal Solutions, and I'm the videographer. The
13 court reporter is Carol Connolly from the firm Veritext
14 Legal Solutions.

15 Counsel and all present will now state their
16 appearances and affiliations for the record beginning
17 with the noticing attorney.

18 MR. MADAIIO: Michael Madaio with Habba Madaio &
19 Associates representing the defendant Donald J. Trump.

20 MS. CROWLEY: Shawn Crowley, Kaplan Hecker and Fink.
21 I'm here with my colleague Kate Harris. We represent the
22 plaintiff E. Jean Carroll.

23 Just one note. The case caption is actually --
24 the case number is actually 20 Civ 7311.

1 THE VIDEOGRAPHER: Will the court reporter please
2 swear in the witness and then counsel may proceed.

3 ASHLEE HUMPHREYS, Ph.D.,
4 called as a witness herein, having been first duly sworn,
5 was examined upon oral interrogatories and testified as
6 follows:

7 EXAMINATION

8 By Mr. Madaio:

9 Q Good morning, Dr. Humphreys.

10 A Good morning.

11 Q So you gave a deposition previously in this
12 case, correct?

13 A That's correct.

14 Q And you also had a deposition in the related
15 Carroll II matter, that's correct?

16 A That's correct.

17 Q All right. So I'm going to skip through most
18 of the general deposition rules given that we have
19 limited time today. But if you have any questions at any
20 point, if you have any confusion about what's appropriate
21 in a deposition or any questions about, you know, how the
22 deposition should be proceeding, feel free to ask or
23 speak to your counsel. But, you know, to save time we're
24 going skip over that today.

1 Just one question. Have you taken any
2 medication that would affect your ability to testify
3 truthfully today?

4 A No, I haven't.

5 Q Okay. And -- so you previously submitted an
6 expert report dated October 14th, 2022, right, in this
7 case?

8 A That's correct.

9 Q And on November 13th, 2023 you submitted a
10 supplemental report in this case, right?

11 A That's correct.

12 Q And what was -- What's your understanding of
13 what the purpose was for your supplemental report?

14 A My assignment for the supplemental report was
15 to provide an impressions and damages analysis for the
16 first and second statements in this case.

17 Q And so is it your understanding that the --
18 based on the supplemental report the -- or based on
19 what's happened in this case -- So you understand that --
20 I guess my question is what's your understanding of why
21 the supplemental report was necessary?

22 A I don't have an understanding of exactly why it
23 was necessary.

24 Q Okay. Do you understand that one of the -- one

1 of the statements in this case, the June 24th statement,
2 has been removed from this case as a -- as part of the
3 cause of action?

4 MS. CROWLEY: Objection to form.

5 THE WITNESS: Answer?

6 MS. CROWLEY: You can answer.

7 THE WITNESS: I'm not clear on the details, but that
8 doesn't surprise me given my assignment.

9 MR. MADAIIO: Q Okay. And you state in your
10 supplemental report that the methodology used to analyze
11 the impressions, impact, and damages model remains
12 unchanged from that outlined in your initial report,
13 right?

14 A That's correct.

15 Q And that's correct. And in your initial
16 report, the October 14th report, you assessed the harm to
17 Ms. Carroll's reputation based on three statements made
18 by President Trump. It was a June 21st statement,
19 June 22nd statement, and June 24th statement, right?

20 A That's right.

21 Q And when you did your analysis for the initial
22 report, did you do anything to differentiate the harm
23 between any of these three statements and deal with them
24 individually in any way?

1 MS. CROWLEY: Objection to form.

2 THE WITNESS: I'm sorry. Could you repeat the
3 question?

4 MR. MADAIIO: Q Sure. When you did your initial
5 analysis, did you look at the three statements
6 individually or did you look at them collectively in
7 terms of the harm to Ms. Carroll's reputation?

8 A Could you be more specific? In which part of
9 my analysis are you referring to?

10 Q Did you do anything in your analysis in terms
11 of looking at them individually as opposed to
12 collectively as a group?

13 A Yes. So in my impressions analysis each
14 statement is related to a particular instance or a
15 particular news article, tweet, something like that,
16 right. So in the impressions analysis, you can itemize
17 out. In the impact analysis, I provided an assessment of
18 impact based on all three of those statements, and there
19 was content related specifically to each one of those
20 statements that I looked at. In the damages analysis,
21 the damages analysis relies on the impact analysis. So
22 to the degree I took it into account in the impressions
23 analysis, it was also reflected in damages. So, yes.

24 Q But in your initial report did you do anything

1 to attribute any of the sources in your impact model to
2 any individual statement, the June 21st, June 22nd,
3 June 24th?

4 A At that time, no.

5 Q And is it your position that the supplemental
6 report removes any damages attributable to the June 24th
7 statement?

8 A Yes.

9 Q And what process or methodology did you utilize
10 to determine the harm caused by each individual statement
11 meaning the June 21st, June 22nd, and June 24th statement
12 as opposed to the collective harm caused by each
13 statement, which is for the most part how it was dealt
14 with in the initial report?

15 MS. CROWLEY: Objection. Are you talking about in
16 the supplemental report?

17 MR. MADAIIO: Q In the supplemental report. How
18 did you differentiate to determine which harm is
19 specifically attributable to the June 24th statement?

20 A Right. So I looked through all the instances
21 that I had in my initial report, and I omitted any
22 instance that contained only the June 24th statement or
23 referred to a general denial exclusively.

24 Q Okay. And that -- that's not something that

1 you did in connection with the initial report?

2 MS. CROWLEY: Objection.

3 MR. MADAIIO: Q Right?

4 MS. CROWLEY: We're here just today to talk about
5 the supplemental report. I've allowed you to ask several
6 questions about the first report.

7 MR. MADAIIO: Well, we're talking about -- I mean,
8 what's relevant is also the differences in her
9 methodology, what she did in the first one, what she did
10 in the second one.

11 MS. CROWLEY: Right. But I think she testified
12 about what she did in the first report. She said that
13 she analyzed each of them separately. So your question
14 just misstated her testimony. You can ask it again, but
15 I'd ask you to just correctly state the testimony that
16 she just gave.

17 MR. MADAIIO: Q Okay. I'm asking did you utilize --
18 what you just described to me, the process that you
19 utilized to differentiate the harm caused by the
20 June 24th statement, is that anything that you did in the
21 initial report?

22 MS. CROWLEY: Objection to form.

23 THE WITNESS: Sorry. I'm not clear on the question.

24 MR. MADAIIO: Q The process that -- the process

1 that you used to differentiate the harm from the
2 June 24th statement which you did in your supplemental
3 report, did you also do that in any way in your initial
4 report?

5 A So in my initial report I estimated the harm
6 for all three of the statements. In the supplemental
7 report I simply took out the instances that refer to that
8 third statement and used the same methodology to
9 calculate both impressions and damages.

10 Q Right. But I'm talking about the methodology
11 in terms of differentiating between the three statements.

12 A Uh-huh.

13 Q So in the first statement -- in the first
14 report you referred to all three statements as quote,
15 unquote, these statements, right?

16 A Uh-huh, yes.

17 Q And so - and throughout the majority of the
18 report you -- that's how you referred to them. You don't
19 differentiate between either the June 21st, the June 22nd
20 or June 24th statement, correct?

21 A Correct.

22 Q Okay. And so you say for the supplemental
23 report you removed any media sources that referred only
24 to the June 24th statement?

1 A That's right.

2 Q I think in your report you say sources that
3 referred exclusively to the June 24th statement, right?

4 A That's correct.

5 Q And do you think that's an appropriate means of
6 removing any harm that would have been caused by the
7 June 24th statement?

8 MS. CROWLEY: Objection to form.

9 THE WITNESS: Yes, I do.

10 MR. MADAIIO: Q Did you account for any -- in any
11 way for whether the June 24th statement -- withdrawn.

12 So for the purposes of your analysis for the
13 June 24th statement, when you drafted the supplemental
14 report, if there were articles that referenced the
15 June 24th statement, or even largely focused on the
16 June 24th statement, it was your position that it was
17 appropriate to keep those statements -- those sources in
18 even if they, you know, only referenced the June 21st or
19 June 22nd statement?

20 MS. CROWLEY: Objection to form. It's compound.

21 You can answer if you understand it.

22 THE WITNESS: Can you mind asking me again? Sorry.

23 MR. MADAIIO: Q Sure. So in your report --

24 A Yes.

1 Q -- You were largely focused -- you removed only
2 those sources that had any reference to the June 24th --
3 June 21st or June 22nd statement, is that right?

4 A I retained those instances, yes.

5 Q Does that include articles and sources that
6 also referenced the June 24th statement?

7 A That's correct.

8 Q And does that also include articles or sources
9 that were primarily focused on the June 24th statement?

10 A You know, I'm not aware of any instances that
11 made that statement more prominent and the other
12 statements less prominent. There could be some in there
13 that contain both where one statement is more prominent
14 than the other, but I didn't -- that wasn't part of my
15 criteria.

16 Q Well, do you think it would be appropriate to
17 keep a source in there if it was largely focused on the
18 June 24th statement and had hardly any mention of the
19 June 21st or June 22nd statement?

20 MS. CROWLEY: Objection to form.

21 THE WITNESS: If it contained one of the first two
22 statements, I did keep -- I did retain them.

23 MR. MADAIIO: Q But -- my question was do you think
24 that's an appropriate method of assessing the harm of the

1 June 24th statement as opposed to the June 21st and
2 June 22nd statements?

3 MS. CROWLEY: Objection to form.

4 THE WITNESS: Yes, I think that's an appropriate way
5 to measure the harm of the June -- of the first two
6 statements.

7 MR. MADAIIO: Q Only if the June 21st or 22nd
8 statements are mentioned in any way in an article.

9 A That's correct.

10 Q And you afforded equal weight as opposed to --
11 So, for example, the June 21st statement was mentioned at
12 the tail end of an article briefly referenced. You think
13 that should be afforded equal weight as an article that's
14 entirely focused on the June 21st statement?

15 A You know, I could give you a clear answer if
16 you give me specific examples where that's the case.

17 Q Well, I'm asking more about your methodology in
18 general, the way that you assessed the harm because the
19 way I read it is that you afforded equal weight to these
20 articles and that you essentially did not assess the
21 prominence of the statements within the articles.

22 A Uh-huh. So it's my position that those should
23 be included. However, I could give you a better answer
24 if you have a specific instance. I'm not aware of

1 instances that were like that particular one that you
2 refer to.

3 Q Okay. Well, let me point you to a few articles
4 that remained in your damages models in the supplemental
5 report. I'm just going to read you the title of these
6 articles. So W-35 is Trump On E. Jean Carroll's Assault
7 Allegations. Quote, She Is Not My Type. Actually,
8 sorry. Let me take a step back actually before I get
9 into the examples.

10 Are you familiar with what President Trump said
11 in the June 24th statement?

12 A Roughly speaking, yes, I am.

13 Q What is your understanding of what was said in
14 that statement?

15 A That what was largely covered was the quote Not
16 My Type.

17 Q Okay. And do you know when the June 24th
18 statement was first published?

19 A I don't offhand. I assume it was on June 24th,
20 but I could be wrong.

21 Q Okay. So, again, to go to the specific
22 examples, I want to read you some of the articles from --
23 that were made in your impact model and your damages
24 assessment in the supplemental report. W-35: Trump On

1 E. Jean Carroll's Assault Allegations, quote, She Is Not
2 My Type.

3 W-36: Exclusive, Trump Vehemently Denies
4 E. Jean Carroll allegation, says, quote, She Is Not My
5 Type.

6 W-42: Trump on E. Jean Carroll Accusing Him Of
7 Rape, quote, She's Not My Type.

8 W-43: Trump Denies Woman's Sexual Assault
9 Allegation, quote, She Is Not My Type.

10 W-44 is the same exact title.

11 W-46: Trump says he didn't rape author E. Jean
12 Carol, quote, She's Not My Type.

13 W-48: Quote, She's Not My Type. Trump, Again
14 Denies E. Jean Carroll's Misconduct Allegation.

15 W-50: Trump Responds to E. Jean Carroll Rape
16 Allegation, quote, She's Not My Type --

17 MS. CROWLEY: Mike, are you going to show her these
18 articles or are you going to read a bunch of titles?

19 MR. MADAIIO: I assume she's familiar with the
20 sources in her report.

21 MS. CROWLEY: Well, if you're going to ask her
22 whether she kept them and relied on them and what weight
23 she gave these statements, you are going to need to show
24 her the full article. Just reading the title is not

1 going to get the job done here.

2 MR. MADAIIO: I can show her her report where she has
3 the titles listed in her article.

4 MS. CROWLEY: But do you have the articles
5 themselves?

6 MR. MADAIIO: I have several of them.

7 MS. CROWLEY: Okay. Then I think you need to show
8 them to her if you're going to ask her whether and how
9 much weight she gave certain statements in them.

10 MR. MADAIIO: Well, I think the easiest way is that I
11 can show her her report which list the titles out. I'm
12 referencing the numbers, the W dash number is referring
13 to her report, which she lists them in. Again, these
14 are, again, sources listed in her report. I don't
15 think --

16 MS. CROWLEY: I'm not sure she's going to remember
17 -- what's said in all like however many of the articles.

18 MR. MADAIIO: I'm not asking her -- I'm just pointing
19 at this point just to the titles.

20 MS. CROWLEY: Okay. What's the question going to be
21 at the end of this long recitation of --

22 MR. MADAIIO: I have a line of questions.

23 MS. CROWLEY: Okay. But my point is just -- we'll
24 see where it goes, but my point is if you're going to ask

1 her whether she considered how much weight she gave to
2 those articles, whether she considered the content of
3 those articles, that sort of thing, she needs to actually
4 be able to see the article.

5 MR. MADAIIO: Well, right now I'm asking about the
6 titles. This is strictly about the titles of the
7 articles.

8 MS. CROWLEY: Okay.

9 (Exhibit 5 marked as requested)

10 (Conversation off the written record)

11 MR. MADAIIO: Q If you turn to page 97. We'll start
12 at 96. This has been marked Humphreys 3. I can also
13 give you -- it's the supplemental report just for
14 reference to see what's been removed.

15 (Exhibit 3 marked as requested)

16 Q That's going to be page 25 through 27. Shows
17 what's been removed in terms of your web sources.

18 A Great.

19 Q So if you look at W-35, again that's the
20 article, Trump on E. Jean Carroll --

21 MS. CROWLEY: Which report are you looking at?

22 MR. MADAIIO: This is the initial report, page 96,
23 W-35. Title of that article is Trump On E. Jean
24 Carroll's Assault Allegations, quote, She's Not My Type.

1 And looking at the supplemental report, page 26, W-35,
2 that source was not removed, correct?

3 A Uh-huh, that's correct.

4 Q Okay. And then W-36, Exclusive -- title is
5 Exclusive, Trump Vehemently Denies E. Jean Carroll's
6 Allegation, says, quote, She's Not My Type.

7 Looking at the supplemental report, that was
8 not removed, correct?

9 A That's correct, 36, yes.

10 Q 36. W-42, title is, Trump On E. Jean Carroll
11 Accusing Him of Rape, quote, She's Not My Type. Again,
12 looking at the supplemental report, W-42 is not removed,
13 right?

14 A Correct.

15 Q W-43, Trump Denies Women's Sexual Assault
16 Allegation, quote, She's Not My Type. And looking at the
17 -- also W-43 has the same title. Sorry. Never mind.

18 W-42, looking at supplemental report, that is
19 not removed, correct?

20 A Correct.

21 Q W-43 and W-44 have the same title, it's Trump
22 Denies Woman's Sexual Accusation, quote, She's Not My
23 Type. Again, looking at 43 and 44 on the supplemental
24 report, those have not been removed, right?

1 A Correct.

2 Q W-46, title is Trump Says He Didn't Rape Author
3 E. Jean Carroll, quote, She's Not My Type. Again,
4 looking at the supplemental report, 46 is not removed,
5 right?

6 A Correct.

7 Q 48, W-48, title is, quote, She's Not My Type,
8 Trump Again Denies E. Jean Carroll's Sexual Misconduct
9 Allegation. Looking at the supplemental report, W-48 is
10 not removed, right?

11 A Correct.

12 Q W-50, Trump Responds to E. Jean Carroll's Rape
13 Allegation, quote, She's Not My Type. Looking at the
14 supplemental report, W-50 is not removed, right?

15 A Correct.

16 Q W-52, title is Donald Trump responds to E. Jean
17 Carroll's Rape Allegation, quote, She's Not My Type.
18 W-52 is not removed from the supplemental report, right?

19 A Correct.

20 Q W-53, Trump Says Sexual Assault Accuser E. Jean
21 Carroll, Not My Type. And W-53 is not removed from the
22 -- from the supplemental report, right?

23 A That's correct.

24 Q Okay. And -- so despite the fact that the

1 June 24th statement is no longer part of this action and
2 has been removed entirely supposedly from your damages
3 calculation, you thought it was proper to keep these
4 articles included in your impact model?

5 A Yes, I did.

6 Q Okay. And that's despite the fact that the
7 title specifically references the she's-not-my-type
8 statement and the June 24th statement in general?

9 A That's correct.

10 Q In determining whether to include an article in
11 your updated impact model, did you consider whether the
12 June 21st or June 22nd statement was featured prominently
13 in that article?

14 A No, that was not my criteria.

15 Q Did you think that was relevant to your
16 determination of whether or not they should be included
17 in the impact model?

18 A I'm sorry. In the impact model or the
19 impressions model?

20 Q Did you think that was a relevant
21 consideration?

22 A In the impact model, I analyzed the response to
23 a lot of these articles. In the impressions model I
24 decided to include these or not include them.

1 Q Okay. Did you consider whether the title of
2 the article was related to the June 21st and June 22nd
3 statement?

4 A Sorry. Could you ask again?

5 Q Did you consider whether the title of the
6 article was related to the June 21st or June 22nd
7 statement?

8 A No, that was not my criteria.

9 Q Okay. And did you consider whether the title
10 of the article specifically referenced the June 24th
11 statement?

12 A No, the title was not in my criteria.

13 Q Okay. That's consistent with your methodology
14 that you've employed since your initial report?

15 A Yes. So my methodology is consistent
16 throughout. What materials I analyzed, of course, is
17 different in the expert report -- in the initial report
18 and the supplement.

19 Q But previously when you were considering
20 articles, you didn't -- you wouldn't consider the
21 prominence of where the statements were in the article,
22 the titles of the article, those aren't factors that you
23 would have previously considered?

24 MS. CROWLEY: Objection to form.

1 THE WITNESS: I considered instances where one --
2 where the three statements appeared, one of the three
3 statements appeared in my initial selection.

4 MR. MADAIIO: Q Okay. I want to show you -- do we
5 have -- I want to show -- Let's have this marked as
6 Humphreys 6. I'm going to show you what's marked
7 Humphreys 6.

8 (Exhibit 6 marked as requested)

9 Q Dr. Humphreys, do you recall testifying in
10 Carroll II, it was a related case to this, the trial --
11 we had a trial back in April?

12 A Yes, I do.

13 Q Okay. When you testified in Carroll II your
14 testimony was truthful, right?

15 A Yes.

16 Q And do you recall being asked about what
17 criteria you considered in determining which articles to
18 include -- that you included in your impact model for the
19 Carroll II case?

20 A I don't recall specifically. If you want to
21 point me to a page, that would be helpful.

22 Q Yeah. I'd like to point you to page 1 --

23 MS. CROWLEY: This is -- you're now asking her about
24 her testimony in a trial in a different case, right? So

1 this deposition is supposed to be limited to the work she
2 did on the supplemental report in this case.

3 MR. MADAIIO: Well, it's about the methodology and
4 consistency of the methodology that she's employed
5 regarding the statements.

6 MS. CROWLEY: But those are different statements in
7 a different case. This deposition is about the --

8 MR. MADAIIO: Well, it all connects, and I'll get
9 there.

10 MS. CROWLEY: All right.

11 MR. MADAIIO: Q Okay. And -- I want to take you to
12 page 1119, and it's -- starting on the bottom of
13 page 1119 to the top of page 1120. Let's start at line
14 18 -- 17 the question is: What is the complaint?

15 A The complaint is kind of the initial
16 document that outlined the allegations against
17 Mr. Trump.

18 Q And how many articles were cited in the
19 complaint?

20 A So initially in the complaint I think there
21 were over about 60 articles.

22 Q Did you use all of them in your analysis?

23 A No, I didn't.

24 Q How many did you consider?

1 On page 1120, Answer, so I ultimately
2 considered 17 articles.

3 Q And how did you include or what analysis --
4 what criteria did you use to select those 17?

5 A Yes. So the ones that I chose to count
6 featured the statement prominently, it related
7 to the headline. It might have appeared in the
8 first half of the article. There was a
9 prominent part of those 17 articles.

10 MS. CROWLEY: I'm going to object to this, and I'm
11 going to direct you not to answer because it doesn't have
12 to do with the first report. This is about a statement
13 that your client made years after the statements that are
14 actually at issue today, after there was repeated
15 litigation and news stories, and so her work -- that work
16 and analysis that she did in deciding and considering
17 which posts and which articles to consider may have been
18 different, and it has nothing to do with the work that
19 she did in considering the June 29th statement.

20 MR. MADAIIO: She says it in her Carroll II report
21 that she uses the same exact methodologies and everything
22 is the same from Carroll I. So it all carries over.

23 MS. CROWLEY: What's the relevance to the
24 supplemental report that we're here to testify about

1 today?

2 MR. MADAIIO: It's absolutely relevant.

3 MS. CROWLEY: What is the question? What's your
4 question?

5 MR. MADAIIO: She just testified that she didn't
6 consider whether statements are in the headlines or
7 whether they were a prominent part of the article, and
8 she testified previously that that was part of her main
9 criteria in determining what articles to choose.

10 MS. CROWLEY: In Carroll II?

11 MR. MADAIIO: In Carroll II where she used same
12 methodologies as Carroll I.

13 MS. CROWLEY: Where does she say she used the exact
14 same methodology?

15 MR. MADAIIO: That's in her Carroll II report.

16 MS. CROWLEY: In the Carroll II report she says she
17 using the exact same methodology that she used in the
18 supplemental report that she had not actually prepared or
19 even thought of that we're here to actually ask questions
20 about?

21 MR. MADAIIO: She says she used the same as her
22 initial report in Carroll I, and in her supplemental
23 report she also says she uses the same methodology that
24 she used in her initial report in Carroll I.

1 MS. CROWLEY: Right. I think you covered the
2 methodology she used in Carroll I in the first report.
3 We're here today to talk about the methodology and the
4 work that she did in preparing the supplemental report.
5 It has nothing to do with the work that she did in
6 analyzing the October 2022 statement.

7 MR. MADAIIO: It's absolutely relevant. I want to
8 know why there's inconsistencies.

9 MS. CROWLEY: You can have a couple more questions,
10 but like this is -- it's pretty clear that we're just
11 here to talk about the supplemental report, and I think
12 that you're getting pretty far away from that.

13 MR. MADAIIO: I think it's very relevant. It's all
14 about the criteria that she's using to determine what
15 statements should be included in the impact model.

16 MS. CROWLEY: And she's explained, right? She said
17 it -- you're asking the same question over and over and
18 over again. You can have a few questions, but --

19 MR. MADAIIO: I mean -- We can talk to the judge if
20 we need to, but it's completely relevant.

21 MS. CROWLEY: Okay. Let's see where this goes.

22 MR. MADAIIO: Q Okay. So these -- again, I want to
23 read that line, page 1120. You stated that the articles
24 that you chose featured -- the criteria that you used in

1 choosing the articles were ones that featured the
2 statement prominently, they related to the headline, it
3 might have appeared in the first half of the article and
4 it was a prominent part of those 17 articles. But you
5 just said in -- for your supplemental report you didn't
6 consider those same factors, is that correct?

7 A That's correct.

8 Q So why did you think these factors were
9 important in your Carroll II analysis but not in your --
10 your impact model for the supplemental report?

11 A So this was a methodology for a separate case.

12 Q Is there anything that -- between the two cases
13 that would warrant you using a different methodology for
14 determining whether the articles are -- should be
15 included in your impact model?

16 A I can refer you to the expert report in this
17 case to discuss the methodology if you like.

18 Q Well, did you use different methodologies in
19 Carroll II -- in your expert report for Carroll II than
20 you did for your initial report in Carroll I?

21 A Not substantially as I recall, but I would need
22 to see the report to tell you.

23 Q Okay. Did you use different methodologies in
24 your supplemental report for Carroll I as you did in your

1 initial report for Carroll I?

2 A Sorry. I need to just make a clarification on
3 the terminology here. So we talk about methodology.
4 What I mean is the methodology for counting impressions,
5 impact the way I treat each statement. Like, as a social
6 scientist, I would consider these matters of like
7 inclusion or exclusion but not necessarily methodology.

8 Q Okay. Okay. So did you use the same criteria
9 -- is there any reason why you would use -- use different
10 criteria for determining which statements should be
11 included -- sorry -- which sources, meaning articles,
12 should be included and excluded in your impact model in
13 Carroll I as opposed to the impact model in Carroll II?

14 A Well, there were differences in criteria given
15 that we're looking to include different statements.

16 Q But, for example, when you point to the -- in
17 Carroll II you say it was relevant whether the statement
18 was prominently featured in the article and whether it
19 was in the headline. Why wouldn't those factors be
20 relevant in Carroll I as well?

21 A So they were clearly relevant in Carroll II.
22 They weren't substantially relevant when preparing my
23 expert report in Carroll I.

24 Q But why were they not relevant in Carroll I

1 since they were in Carroll II? I'd like to know the
2 reason why.

3 A When I chose what articles to include in
4 Carroll I, I was choosing to include any article that
5 contained a certain set of statements, a certain set of
6 defamatory statements. That was my assignment and that's
7 what I did.

8 Q Okay. But do you think it's relevant the
9 prominence of how an article is -- how a statement is
10 featured in the article?

11 MS. CROWLEY: Objection to form.

12 THE WITNESS: Not necessarily.

13 MR. MADAIIO: Q Okay. But you thought it was
14 relevant in Carroll II?

15 A I think it can be relevant in some instances,
16 yes.

17 Q So what's something that would make the
18 prominence of the -- how the article -- how the statement
19 is featured in the article? What's something that would
20 make that relevant?

21 A You know, I'd have to see specific examples to
22 be able to tell you why it would be relevant or not.

23 Q Okay. Well, generally speaking, for your
24 supplemental report, you were tasked with removing the

1 June 24th statement from your impact model, correct?

2 A I just need to be clear that I included
3 articles that referred to the first or second statement,
4 but not the third. So I excluded any article that was
5 exclusively about the third statement.

6 Q Right. And what was it that made you think
7 that was the appropriate way to update your impact model
8 to account for the June 24th statement being removed from
9 the case?

10 MS. CROWLEY: Objection to form.

11 You can answer if you understand that.

12 THE WITNESS: Sorry. Could you ask it again?

13 MR. MADAIIO: Q Sure. I mean, what's your basis for
14 decision that the appropriate way to account for removing
15 the June 24th statement from your impact model is to
16 remove any statement that is only about the June 24th
17 statement?

18 MS. CROWLEY: Objection to form.

19 THE WITNESS: Do you mean the impact model or the
20 impressions model?

21 MR. MADAIIO: Q I mean either one, the report
22 generally.

23 MS. CROWLEY: Objection to form.

24 THE WITNESS: So for the impressions model I simply

1 removed all articles that referred exclusively to the
2 June 24th statement.

3 MR. MADAIIO: Q I just want to be clear. When you
4 talking about the impressions model versus the impact
5 model, when you removed sources from your supplemental
6 report, they were removed across the board, correct, from
7 all your models?

8 MS. CROWLEY: Objection to form.

9 MR. MADAIIO: Q Is that right?

10 A So in the supplemental report I recalculate
11 impressions and damages. The impact model is not
12 relevant in the supplemental report.

13 Q Okay. Okay. And did you personally review
14 each article to confirm that -- that it was exclusively
15 focused on the June 24th statement?

16 A So what I did is I drew up the criteria, I had
17 an assistant help me sort through those articles. After
18 she was finished, I reviewed -- I spot checked the
19 articles to make sure to make sure they complied with the
20 criteria.

21 Q Okay. And if there was any article that
22 contained no reference to either the June 21st or
23 June 22nd statement, that article should not be included
24 in your updated impressions model, right?

1 A You're going to have to ask one more time.

2 Q So if an article did not have any reference to
3 either the June 21st or the June 22nd statement, it would
4 be removed, right?

5 A Correct. If the article only contained the
6 June 24th statement, it would not be in the set.

7 Q Okay. I want to show you what's been marked --
8 I guess -- It's been marked as Humphreys 4.

9 (Exhibit 4 marked as requested)

10 Q I'd like to -- I'd like you to take a moment
11 and just read through the article. And if you can point
12 me to anywhere in that article where either the June 21st
13 or June 22nd statement is referenced?

14 MS. CROWLEY: Objection. Is this one of the
15 articles from the report?

16 MR. MADAIIO: Yes. So this is what was identified in
17 your report as W-47. In your -- the title is -- in your
18 expert report is identified as, quote, The Real Meaning
19 of Trump's She's-Not-My-Type Defense. I believe the
20 title may have been updated. This is what it is
21 currently.

22 MS. CROWLEY: You said W-47?

23 MR. MADAIIO: W-47.

24 MS. CROWLEY: That says it was removed.

1 THE WITNESS: It was excluded.

2 MR. MADAIIO: Was it?

3 MS. CROWLEY: There's an X in the removed column.

4 MR. MADAIIO: We'll come back to that part.

5 Q Okay. Dr. Humphreys, in your initial report,
6 you described two types of damages assessments that you
7 perform. There's the qualitative impact assessment and
8 the quantitative impact assessment, right?

9 A That's correct.

10 Q And with respect to the quantitative analysis,
11 how much of that analysis was based around the
12 impressions models that you had constructed?

13 A In my initial -- in my initial report?

14 Q In your initial report.

15 A Okay. I'm sorry. Could you ask again?

16 Q You know what, I'll withdraw that question.

17 And for the web impressions model, which is a
18 portion of your impressions model, right, you limited
19 your analysis to the online news articles that were cited
20 in Ms. Carroll's complaint, right?

21 A I believe that was the criteria. I would need
22 to see my initial report to be sure.

23 Q Okay. Well, I think you have a copy of the
24 report if you need it.

1 A I do. If you have the page where this is, that
2 would help me, just be faster.

3 Q I don't think I have -- I mean, I can -- I
4 guess --

5 A Yes, that's correct. It's page 26.

6 Q Page 26. Okay. So you only used -- so you
7 only used in your web impressions model articles that
8 were cited in the complaint, right?

9 A That is correct.

10 Q Okay. And -- So you reviewed the complaint in
11 connection with the -- with preparing the initial report,
12 correct?

13 A Yes.

14 Q And do you recall how the -- how the articles
15 were cited in the complaint? Was there any specific --

16 MS. CROWLEY: Objection. This is definitely just
17 about the first report. You already deposed her about
18 this. This is not just a chance to go and redepose her
19 about her methodology in the first report.

20 MR. MADAIIO: No, this is absolutely about the second
21 report.

22 MS. CROWLEY: You're asking her about what she did
23 to prepare the first report.

24 MR. MADAIIO: Right.

1 MS. CROWLEY: You're pointing her to the first
2 report and asking her about the articles that she
3 reviewed in connection with the complaint to prepare the
4 first report. She's already testified at length how she
5 selected the articles to exclude for purposes of the
6 second report. You can ask her about that, but you can't
7 get back into what she did to prepare the first report.

8 MR. MADAIIO: Q Okay. Let me ask you this,
9 Dr. Humphreys. Did you review the complaint in
10 connection with preparing the supplemental report?

11 A I did not review the complaint again, no.

12 Q Okay. You know what -- I'm going to show you
13 what's been marked as -- Do we have the complaint? We'll
14 mark -- I'm going to mark this as 7. Humphreys 7. This
15 is a copy of the complaint.

16 (Exhibit 7 marked as requested)

17 Q And I want to point you to paragraphs 97 and 98
18 of the complaint. And paragraph 97 says: Two days later
19 on June 24th, 2019, the Hill released an interview in
20 which Trump made the following statement in response to
21 Carroll: Quote, I'll say it with great respect. Number
22 1, she's not my type. Number 2, it never happened, it
23 never happened. Okay.

24 Paragraph 98: Trump's statement in the Hill

1 was widely reported by the national press.

2 And then there's a Footnote 14, and in
3 Footnote 14 it lists 19 articles.

4 Do you see that?

5 A I do see that, yes.

6 Q Okay. And when you drafted your supplemental
7 report, were you aware that this is how the complaint
8 identifies the articles that relate to the June 24th
9 statement?

10 A No, I wasn't.

11 Q Okay. And would that have been relevant to
12 your analysis if you knew that the complaint had
13 specifically attributed certain articles to the June 24th
14 statement?

15 MS. CROWLEY: Objection to form.

16 THE WITNESS: What do you mean by relevant?

17 MR. MADAIIO: Q Do you think it would have been
18 relevant that that's the plaintiff's manner of
19 identifying which articles are attributable to the 24th
20 statement?

21 MS. CROWLEY: Objection to form.

22 THE WITNESS: I'm not sure how it would be relevant,
23 no.

24 MR. MADAIIO: Q Okay. I want to turn to the

1 qualitative impact analysis in your supplemental report.
2 For this portion of your report you state that you --
3 This is on page 41 if you want to see. But you state
4 that you, quote, assessed the nature of the statements
5 and their more generalized harm to a brand that faces a
6 general rather than niche public.

7 MS. CROWLEY: This is 41 from --

8 MR. MADAIIO: Of the initial report.

9 Q I'll just ask you generally. We don't have to
10 go into the specifics of the report.

11 Did your qualitative analysis change in any way
12 from the initial report to the supplemental report?

13 A In the supplemental report, I did not perform a
14 qualitative analysis.

15 Q You did not perform one meaning that -- what do
16 you mean you didn't perform one?

17 A I didn't perform a qualitative impact analysis
18 in the supplemental report.

19 Q Okay. So your qualitative analysis in the
20 initial report, did that include the June 24th statement?

21 A Yes, it did.

22 Q Okay. And that wasn't changed in any way in
23 the supplemental report?

24 A That's correct.

1 Q Okay. So viewing the report as a whole right
2 now the -- your qualitative impact analysis includes
3 reference to the June 24th statement?

4 A My qualitative analysis in the initial report?

5 Q Yes.

6 A Yes, that's right.

7 Q And the supplemental report did nothing to
8 change that, right?

9 A Correct. I did not redo the impact analysis.

10 Q Okay. And in your qualitative analysis in the
11 initial report, one of the criteria that you looked at
12 was Google search data, right?

13 A That's correct.

14 Q And do you believe that Google search data is a
15 good measure of the impact that a statement has on a
16 person's brand?

17 MS. CROWLEY: Objection to form.

18 THE WITNESS: Sorry. Could you ask me?

19 MR. MADAIIO: Q Do you believe that Google search
20 data is a good measure of the impact that the statement
21 has on a person's brand?

22 A Not alone, no.

23 Q Okay. But do you think it's relevant in some
24 measure?

1 A Yes.

2 Q Okay. I want to point you to page 47 of your
3 report, Figure 10.

4 A My initial report?

5 Q Your initial report, Figure 10, that's page 47.
6 And on page 47 you refer to this chart and you indicate
7 that there were, quote, two clear spikes in search
8 volume. And it looks like one of those is June 22nd,
9 which is the day after Ms. Carroll made her allegation,
10 the day after Mr. Trump's first statement, and the day of
11 his second statement, right?

12 A Correct.

13 Q And then there's a second spike on June 25th,
14 and that's the day that President Trump made his third
15 statement, correct?

16 A Correct.

17 Q Sorry. The day after he made his third
18 statement?

19 A That's correct.

20 Q The spike on June 25th, that was the larger of
21 the two spikes, right?

22 A I believe one spike is 94, one spike is a
23 hundred, so, yes.

24 Q Okay. So -- And is a 100 relative search

1 volume a significant number in your mind?

2 A What do you mean by significant?

3 Q When you compare the search volumes compared to
4 the amount of search -- amount of Google searches after
5 the June 21st statement and June 22nd statement as
6 compared to the spike on June 25th, which is after the
7 June 24th statement, does that indicate in your mind that
8 the June 24th statement garnered the most attention of
9 the three?

10 A The most by 6 points. So 100 minus 94, yes.

11 Q And despite the fact that the June 24th
12 statement had a 100 relative search volume resulting the
13 next day, you didn't think it was necessary to update
14 your qualitative impact analysis to account for that in
15 your supplemental report?

16 A No, I didn't.

17 Q And why is that?

18 A So what I documented in the impact analysis in
19 which I read social media content related to all three
20 statements, I found that there was clear reputational
21 harm connected to the first and second statements.

22 Q Okay. So you said that there was clear
23 reputational harm connected to the first and second
24 statements for your qualitative impact analysis. But in

1 your qualitative impact analysis, do you differentiate
2 any way between the three statements and the harm that is
3 attributable to each?

4 A Somewhat, yes.

5 Q Can you describe how you did that in your
6 report?

7 A Sure. So in the qualitative analysis, I mean,
8 you can see on -- in the excerpts produced, for example,
9 on page 54, they refer directly to the content of the
10 first and second statements, in particular that saying
11 Ms. Carroll is a liar, she's only looking for three
12 things, publicity for her book, political agenda,
13 et cetera. So in the content itself it refers to
14 Mr. Trump's first and second statement.

15 Q And you're referring to the social media posts?

16 A That's correct. I was looking at Figure 13,
17 this is her commentary following Mr. Trump's statements.

18 Q Okay. And those are some of the examples of
19 social media posts that you reviewed in connection with
20 the initial report, right?

21 A Correct.

22 Q And how many social media -- I mean, what was
23 the total number of posts that you reviewed
24 approximately?

1 A You know, I don't recall. I'd have to look at
2 the report.

3 Q Okay. But it was much greater than the six or
4 seven that are listed in that Figure 13, right?

5 A Yes. I did review more posts than just these.

6 Q And did you look through all of those posts in
7 connection with the supplemental report to see whether
8 there was any reference to the June 24th statement?

9 A No, that wasn't my assignment here.

10 MR. MADAIIO: Okay. If we can -- Let's just take a
11 five-, ten-minute break if we can right now. I don't
12 think I have too much more, then we'll wind up.

13 THE VIDEOGRAPHER: This is the end of media 1.
14 We're going off the record the time is 9:54 a.m.

15 (Off the record)

16 THE VIDEOGRAPHER: This is the start of media 2.
17 We're going on the record. The time is 10:09 a.m.

18 MR. MADAIIO: Q Okay. Dr. Humphreys, so, again, in
19 drafting your supplemental report, you were tasked with
20 essentially removing the June 24th statement from your
21 damages calculation, right?

22 A Correct.

23 Q And I want to ask you again, are you familiar
24 with the June 24th statement when it was initially

1 published?

2 MS. CROWLEY: Objection to form.

3 What's the question?

4 MR. MADAIIO: Q When the June 24th statement was
5 published. Essentially what is the June 24th statement?

6 MS. CROWLEY: Objection to form.

7 MR. MADAIIO: She doesn't know, she can answer.

8 MS. CROWLEY: You're asking when it was published --
9 or does she know what it was?

10 MR. MADAIIO: Yeah.

11 Q Do you know the June 24th statement -- when it
12 was published?

13 A I believe -- you mean, when it was first said?
14 I believe it was first said on June 24th.

15 Q Right. I'm asking the manner of when it was
16 first published whether that be -- if it was in an
17 article, if it was, you know, on a TV interview, for
18 example.

19 A I don't recall exactly.

20 Q Okay. I want to point you back to the
21 complaint, paragraph 97, which is page 19. That says:
22 Two days later on June 24th, 2019, the Hill released an
23 interview in which Trump made the following statement in
24 response to Carroll. Quote, I'll say with great respect,

1 number one, she's not my type. Number 2, it never
2 happened. It never happened. Okay.

3 Under Footnote 13 which cites to an article,
4 and that's by Jordan Fabian and Saagar Enjeti. I'm not
5 sure if I'm saying that right. It's titled Exclusive,
6 Trump Vehemently Denies E. Jean Carroll Allegation.
7 Says, quote, she's not my type, from the Hill on
8 June 24th, 2019.

9 So is it -- so do you understand this article
10 to be the -- when this statement, I'll say with great
11 respect, number 1, she's not my type, number 2, it never
12 happened, never happened, okay, the first time that was
13 published?

14 A Yeah.

15 MS. CROWLEY: Objection. What's the question?

16 MR. MADAIIO: If it's her understanding that this is
17 the first time the statement was published.

18 THE WITNESS: Yes, that's the meaning that I take
19 from the word exclusive here.

20 MR. MADAIIO: Q Okay. So for all intents and
21 purposes, this is the June 24th statement, this Hill
22 article?

23 A I think it likely contains the June 24th
24 statement.

1 Q Okay. And I want to look at your supplemental
2 report. W-36 is entitled Exclusive, Trump Vehemently
3 Denies E. Jean Carroll Allegation, says, quote, she's not
4 my type, and that's by Jordan Fabian and Saagar Enjeti,
5 June 24th, 2019. And if you cross reference that with
6 your initial report, W-36 was not removed, correct?

7 A Correct.

8 Q So you included the actual June 24th statement
9 in your supplemental report in the damages calculation,
10 is that correct?

11 A I would need to look at that article to be
12 sure. My guess is that it contains the first two
13 statements and so it was included.

14 Q Okay. All right. I'm going to move on. You
15 state in your supplemental report on page 1 under
16 assignment, beginning of the second paragraph, starts off
17 saying: I have been asked by counsel to provide a
18 supplemental analysis to re-evaluate the impressions
19 model, the impact model, and the damages model in order
20 to provide an updated estimate of the cost of
21 reputational repair program -- sorry -- repair campaign.

22 Then you say specifically, I was asked, and in
23 point 1 is to limit your analysis. I'm not going to read
24 the entire thing. I'm am going to focus on point 2 where

1 you say: To exclude coverage that only referred to the
2 fact that Mr. Trump denied Ms. Carroll's allegations in
3 connection with the above caption -- above-captioned
4 action or otherwise did not contain a defamatory claim
5 from the June 21st or 22nd statements.

6 So you say here that you were asked to exclude
7 coverage that only referred to this fact. So was it
8 counsel that directed you to the -- essentially directed
9 you to exclude that type of coverage, meaning only
10 coverage that exclusively related to the June 24th
11 statement? Or was that a method that you came up with on
12 your own?

13 MS. CROWLEY: Objection to form.

14 If you understand, you can answer.

15 THE WITNESS: Could you ask again?

16 MR. MADAIIO: Q Sure. Was it counsel that directed
17 you to remove statements that exclusively relate to the
18 June 24th statement, or did you come up with that method
19 on your own?

20 A Counsel asked that I redo the analysis for
21 statements one and two.

22 Q Okay. But in terms of the actual method in
23 terms of only removing statements that exclusively relate
24 to the June 24th statement, was it counsel that asked you

1 to do it that way, or did you decide on your own that
2 that was the proper way to do it?

3 A I'm not sure. That seemed implied by the
4 assignment.

5 Q Well, did they say anything to you? Did they
6 communicate that to you?

7 A I don't recall how they initially communicated
8 the assignment to be honest.

9 Q Well, it says in your report that's what you
10 were asked to do by counsel.

11 A Yes, that's what I was asked to do by counsel.

12 Q So they asked you to exclude coverage that only
13 referred to the June 24th statement?

14 A Yes.

15 Q Okay. So that wasn't your own determination
16 that would be the proper way to exclude --

17 MS. CROWLEY: Objection. The report relates to her
18 assignment. She's testified about it. If you're going
19 to get further into discussions between Dr. Humphreys and
20 counsel, I'm going to object as privileged.

21 MR. MADAIIO: Well, we are also going to request any
22 of these communications because --

23 MS. CROWLEY: You have requested the communications
24 and we've provided them, Mike.

1 MR. MADAIIO: You said there weren't any
2 communications.

3 MS. CROWLEY: I'm sorry. Withdrawn. You've
4 requested the communications, we represented that
5 communications that are -- that would be required to be
6 produced under the rules do not exist.

7 MR. MADAIIO: Well, that would be an assumption that
8 would have been provided to the expert if you're talking
9 about the manner in which she's including or excluding
10 statements.

11 MS. CROWLEY: Right. There are no written
12 communications that would fall within the rule and that
13 would need to be produced.

14 MR. MADAIIO: Right. But I'm free to ask her about
15 any oral communications or other communications.

16 Okay. That's all I have on that anyway.

17 Q Let me ask, did you have any written
18 communications with counsel about this specific
19 directive?

20 A You know, I don't recall if we sent emails
21 about it or if we spoke about it verbally.

22 Q Do you know -- okay. Based on your
23 professional experience or expertise, do you think that's
24 a proper way to draft your supplemental report and

1 account for the removal of the June 24th statement?

2 MS. CROWLEY: Objection. Do you think that's a
3 proper way, what are you referring to?

4 MR. MADAIIO: Q Excluding only statements that refer
5 exclusively to the June 24th statement and keeping in
6 articles that reference the June 21st or June 22nd
7 statement in any way, that's the method you used, right,
8 to remove articles from your updated impact model --
9 impressions model?

10 MS. CROWLEY: Objection. Asked and answered many
11 times.

12 MR. MADAIIO: Okay. That's what I was referring to
13 when I said that.

14 Q So do you agree that that is a proper method
15 for -- Based on your professional expertise and
16 assessment, do you think that that properly accounts for
17 the removal of the June 24th statement?

18 MS. CROWLEY: Objection. Asked and answered.

19 You can answer it again.

20 MR. MADAIIO: I want to know based on her
21 professional experience and expertise.

22 MS. CROWLEY: She already answered that, but she can
23 answer again.

24 THE WITNESS: Yes.

1 MR. MADAIIO: Q But you didn't come up with this
2 method, right, it was counsel that asked you to do that?

3 A What method?

4 Q In terms of how you removed the articles that
5 are referenced in your impressions model.

6 A So I wouldn't consider that a method. I would
7 consider it criteria for including or excluding.

8 Q Okay. So was that your sole criteria in
9 determining whether to remove articles from your updated
10 impressions model was whether or not they solely,
11 exclusively referenced the June 24th statement?

12 A Yes, my criteria was to remove the articles
13 that refer only to that June 24th statement.

14 Q And if there was any reference whatsoever to
15 the June 21st or June 22nd statement, you kept it in your
16 updated impressions model?

17 A That's right.

18 Q Generally speaking, do you think a person
19 reading an article that is focused exclusively on, for
20 example, the June 21st statement has the same weight and
21 impact as an article that is -- that focused largely on
22 the June 24th statement but, you know, hardly references
23 the June 21st statement?

24 MS. CROWLEY: Objection. Do you think a person

1 reading an article -- Can you rephrase the question?

2 MR. MADAIIO: Q Yeah. I mean, do you think -- do
3 you think -- right. I mean, it's based on your
4 impressions model is largely focused on articles and
5 impressions, meaning people who read the articles, right?

6 MS. CROWLEY: Objection.

7 THE WITNESS: So by impression -- Go ahead.

8 MR. MADAIIO: Q I understand it's more complicated,
9 that you do break it down by Republicans and there are
10 other factors considered, but, you know, without getting
11 too in the weeds about it, somebody who reads an article,
12 do you think it's -- do you think it's a factor that
13 should be considered how prominent that statement is
14 within the article or whether it's hardly referenced at
15 all?

16 MS. CROWLEY: Objection to form and asked and
17 answered.

18 THE WITNESS: No.

19 MR. MADAIIO: Q Okay. Do you believe the June 24th
20 statement was the most widely viewed of the three
21 statements?

22 A No.

23 Q Which one do you believe was the most widely
24 viewed?

1 A You know, I didn't do an analysis of that. I
2 would have to go back and re-analyze.

3 Q Okay. Do you believe the June 24th statement
4 was the most damaging of the three statements?

5 MS. CROWLEY: Objection.

6 THE WITNESS: No.

7 MR. MADAIIO: Q Which one do you believe was the
8 most damaging?

9 A In my impact analysis, I found that a great of
10 reputational harm came from the claims that Ms. Carroll
11 was lying, that she was a liar, which damaged her
12 personal brand as a journalist. So I would say those
13 first two statements were very damaging to her personal
14 brand.

15 Q Then I want to ask you again. You said you
16 used a company to assist you in preparing the
17 supplemental report, right?

18 A That's correct.

19 Q And that was Voluble Insights?

20 A That's correct.

21 Q And what was -- I mean, what was their
22 involvement in preparing the supplemental report? How
23 did you work with Voluble Insights in preparing the
24 report?

1 A So I had worked with them previously to prepare
2 the expert report. And so I directed them to remove
3 these statements based on some criteria, based on the
4 criteria outlined here.

5 Q Okay. Again, that criteria was what we
6 discussed before, if it exclusively referenced the
7 June 24th statement, it should be removed?

8 A That's right, on page 1.

9 Q Okay. And you said previously you didn't look
10 at the complaint in connection with your preparation of
11 the supplemental report. What documents did you review
12 in connection with your preparation of the supplemental
13 report?

14 A I reviewed some of my original documents that
15 were used in preparing the initial expert report.

16 Q Do you know what documents those are?

17 A Those were basically documents that are
18 reproduced as tables shear. They exist in Excel
19 spreadsheets and contained that information.

20 Q And they reflect the same information as the
21 charts in your initial report?

22 A Correct.

23 Q Okay. Did you review anything else in while
24 preparing in connection with your preparation of the

1 supplemental report?

2 A What do you mean by anything else?

3 Q Any other documents, materials, anything else.

4 A I mean, I can't recall anything specific that I
5 referred to.

6 Q Did you -- did you rely on any academic sources
7 in preparing your supplemental report?

8 A Simply the ones just cited here.

9 Q In the supplemental report?

10 A Correct.

11 MR. MADAIIO: Okay. Those are all the questions I
12 have. Thank you very much.

13 MS. CROWLEY: I have a couple.

14 This will take just a couple minutes.

15 EXAMINATION

16 By Ms. Crowley:

17 Q Dr. Humphreys, Mr. Madaio asked you some
18 questions about the work that you did in preparing your
19 report in Carroll II. Do you recall those questions?

20 A Yes.

21 Q And I believe you testified at trial in that
22 case that in preparing your impressions model for
23 purposes of the report in that case you considered
24 articles -- you only considered articles where

1 Mr. Trump's October 2022 statements were prominent. Do
2 you recall that?

3 A Yeah, I recall that.

4 Q Whereas, for the work that you did on the
5 impressions model in this case, Carroll I, for the
6 original report, you considered all of the articles that
7 were referenced in the complaint, correct?

8 A That's correct.

9 Q Did you consider the prominence of Mr. Trump's
10 June 2019 statements when selecting the articles to
11 include for your report in this case in Carroll I?

12 A No, I didn't.

13 Q And for the supplemental report in this case,
14 you took the set of articles that you considered for the
15 first report and you excluded articles that only
16 reference the June 24th statement or simple denial,
17 correct?

18 A That's correct.

19 Q So was your methodology for selecting which
20 articles to use for your impressions model the same for
21 your supplemental report and your original report in this
22 case, Carroll I?

23 A Yes.

24 Q In June 2019 when Mr. Trump made the statements

1 that are at issue in this case, had Ms. Carroll filed her
2 lawsuit yet?

3 A I don't believe so.

4 Q So fair to say that there were no articles that
5 had been written about this lawsuit, correct?

6 A Correct.

7 Q And there were not a lot of articles being
8 written in the widespread media about Ms. Carroll,
9 correct?

10 A Correct, prior to this statement.

11 Q But by October of 2022, this lawsuit had been
12 going on for a number of years, correct?

13 A Yes.

14 Q Fair to say that there had been a lot of
15 articles written about this case and Ms. Carroll and
16 Mr. Trump, correct?

17 A Yes.

18 Q You also testified in response to Mr. Madaio's
19 questions that you did not perform a new qualitative
20 analysis when preparing the supplemental report in this
21 case?

22 A Correct.

23 Q What is the qualitative analysis? Can you
24 explain that?

1 A Sure. So in my initial report I did a
2 qualitative analysis to establish that there was
3 reputational harm done and then to understand the nature
4 of that reputational harm.

5 Q And what was the nature of the reputational
6 harm that was a result of Mr. Trump's June 2019
7 statements about Ms. Carroll?

8 A So, in particular the reputational harm
9 occurred in that it introduced associations between
10 Ms. Carroll to be called a liar, which is central to her
11 person brand as a journalist as a truth teller,
12 et cetera.

13 Q I think you testified and Mr. Madaio asked you
14 about the June 24th, 2019 statement in which Mr. Carroll
15 -- Mr. Trump says she's not my type, correct?

16 A Correct.

17 Q Did you in performing the qualitative analysis
18 in connection with the first report in this case, did you
19 analyze the harm to Ms. Carroll's reputation as an
20 attractive person?

21 A Yes.

22 Q Did you analyze the harm done to her reputation
23 as an attractive person?

24 A No, not necessarily.

1 Q Why did you think it wasn't necessary to
2 perform a new qualitative analysis in preparing your
3 supplemental report in this case?

4 A So my initial report I found that reputational
5 harm -- significant reputational harm was done by the
6 first two statements, and so I didn't feel it necessary
7 to conduct that analysis. Those statements weren't at
8 issue here.

9 Q Is that because the first two statements
10 largely attacked Ms. Carroll's reputation as a truth
11 teller and accused her of making up a story to sell a
12 book?

13 A Correct.

14 Q Whereas, the June 24th statement, Mr. Trump
15 simply denied Ms. Carroll's account and said that she
16 wasn't his type, correct?

17 A Correct.

18 Q Just to correct the record, I think -- I asked
19 you why did you think it wasn't necessary to perform a
20 new qualitative analysis in preparing your supplemental
21 report in this case, and at least according to the
22 transcript, you said: My initial report I found
23 significant reputational harm was done by the first two
24 statements, so I didn't think it necessary to conduct

1 that analysis. Those statements weren't at issue here.

2 Did you mean the June 24th statement wasn't at
3 issue here?

4 A No.

5 Q Can you just explain -- Let me reask the
6 question so we can just get a clean record.

7 I asked why did you think it wasn't necessary
8 to perform a new qualitative analysis in preparing your
9 supplemental report in this case.

10 A So the assignment in the supplemental report
11 was to simply exclude the statement on June 24th. In the
12 initial report I had established that there was
13 reputational harm attributable to the first two
14 statements, and so I didn't feel it was necessary or
15 relevant to reconduct a qualitative analysis.

16 Q And how did you conclude that there was harm --
17 reputational harm attributable to the first two
18 statements?

19 A So in my initial analysis, it was due to
20 specific connections between the content of Mr. Trump's
21 statements and the nature of the associations in the
22 public fear, specifically that Ms. Carroll was lying.

23 MS. CROWLEY: Nothing further.

24

1 FURTHER EXAMINATION

2 By Mr. Madaio:

3 Q I have a couple follow ups.

4 So, Dr. Humphreys, is it your position that the
5 June 24th statement was not in any way relevant to your
6 qualitative analysis in your initial report?

7 A What do you mean by relevant?

8 Q It didn't constitute any of the harm that you
9 considered in the -- in your qualitative analysis.

10 A The harm that I documented in my qualitative
11 analysis was primarily attributable to her reputation as
12 a journalist and specifically the claim that she was
13 lying. So no, I didn't.

14 Q So do you believe -- do you believe the
15 June 24th statement was harmful to her reputation at all?

16 A As a journalist, no, and as a person -- her
17 personal brand, no.

18 Q Okay. But despite that you did include it in
19 your initial quantitative analysis report, correct?

20 A Correct.

21 Q And it was afforded equal weight as the
22 June 21st and June 22nd statement in terms of
23 impressions, right?

24 A What do you mean by equal weight?

1 Q You didn't differentiate between any of the
2 statements in your quantitative analysis, right?

3 MS. CROWLEY: Objection. That misstates her prior
4 testimony.

5 MR. MADAIIO: Q Well, let me put it this way. When
6 you removed the June 24th statement, it reduced the
7 damages calculation by millions of dollars, right?

8 A That's correct.

9 Q Okay. But it's your position that the
10 statement was not harmful in any way?

11 A That's not exactly correct.

12 Q Well, can you explain the difference or what
13 I'm missing?

14 A Yes, of course. So the nature of the
15 reputational harm that I documented in the impact
16 analysis related to the claim that she was lying. There
17 was, of course, content related to her being unattractive
18 that was in the public sphere as well, but I didn't find
19 that to be the primary driver of reputational harm.

20 Q Okay. I guess -- I don't think that answered
21 my question. My question is why would the June -- why is
22 it that in your opinion the June 24th statement was
23 relevant to the quantitative analysis in the initial
24 report but not the qualitative analysis?

1 A So at the time I prepared my expert report, the
2 assignment was to include three statements and to measure
3 the impressions of those statements, and so that's what I
4 did.

5 Q And you did that even based on -- even knowing
6 that in your opinion that the June 24th statement didn't
7 cause any harm, you still included it in your qualitative
8 -- your quantitative analysis?

9 A Correct.

10 MR. MADAIIO: That's all I have.

11 MS. CROWLEY: No. Thanks.

12 THE VIDEOGRAPHER: We are off the record at
13 10:36 a.m. And this concludes today's testimony given by
14 Dr. Ashlee Humphreys Ph.D.

15 (Off the record)

16

17

ASHLEE HUMPHREYS

18

19 Subscribed and sworn to before me

20

this __ day of _____, 2023.

21

22

Notary public

23
24

1 STATE OF ILLINOIS)
) SS:

2 COUNTY OF C O O K)
3

4 The within and foregoing deposition of the
5 aforementioned witness was taken before CAROL CONNOLLY,
6 CSR, CRR and Notary Public, at the place, date and time
7 aforementioned.

8 There were present during the taking of the
9 deposition the previously named counsel.

10 The said witness was first duly sworn and was
11 then examined upon oral interrogatories; the questions
12 and answers were taken down in shorthand by the
13 undersigned, acting as stenographer and Notary Public;
14 and the within and foregoing is a true, accurate and
15 complete record of all of the questions asked of and
16 answers made by the forementioned witness, at the time
17 and place hereinabove referred to.

18 Before completion of the deposition, review of
19 the transcript {} was {X} was not requested. If
20 requested, any changes made by the deponent, {and
21 provided to the reporter} during the period allowed are
22 appended hereto.
23
24

CASE NAME: Carroll, E. Jean v. Trump, Donald J.
DATE OF DEPOSITION: 12/11/2023
WITNESSES' NAME: Ashlee Humphreys , Ph.D.

[illegible]

SUBSCRIBED AND SWORN TO BEFORE ME
THIS _____ DAY OF _____, 20__.

MY COMMISSION EXPIRES:

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Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS

COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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